

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-18 are pending in this application. Claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. publication 2003/0115277 A1 to Watanabe et al. (herein "Watanabe") in view of U.S. publication 2001/0042093 A1 to Shirai et al. (herein "Shirai") in further view of U.S. patent 5,692,225 to Bernardi et al. (herein "Bernardi").

Addressing first the rejection of claims 1-18 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response.

In response to that rejection it is noted that the claims are amended to clarify that the transmission information is created "when said predetermined file is selected in a batch operation...". That claim amendment is believed to clarify the language in the claims to address the rejection under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of claims 1-18 under 35 U.S.C. § 103(a) as unpatentable over Watanabe in view of Shirai in further view of Bernardi, that rejection is traversed by the present response.

It is initially noted that each of the independent claims is amended by the present response to clarify features recited therein. Specifically, independent claim 1 now clarifies that the picture-information transmission apparatus includes "a camera for taking a picture", "an input means for inputting information associated with said picture", and "a memory means for storing said picture and said associated information as a file". Independent claim 1 now also clarifies that the file select means selects "a file of said picture and said associated information from said memory means upon detection of execution of a predetermined operation". The other independent claims are similarly amended.

According to the features set forth in the claims, a camera takes a picture and information associated with that picture can be input and then stored in a memory with the picture information as a file. As a non-limiting example, the above-noted feature can be directed to associating a picture to be part of an e-mail with associated text, for example describing the picture, also desired to be part of the e-mail. Such a combined file associating the picture and the additional information is saved. Also as set forth in the pending claims, when the saved file is selected transmission information, for example the specific e-mail transmission file, is also created. The above-noted features are believed to clearly distinguish over the applied art.

The outstanding Office Action cites the teachings in Watanabe at page 1, paragraphs 12-18 to disclose the claimed "file select means". However, applicants submit Watanabe does not even disclose that subject matter. More specifically, in paragraphs 12-18 Watanabe discloses a network photograph system in which plural images are stored and a service user can select one or plural of the stored images, which will then be e-mailed to the service user. However, Watanabe does not provide any teaching or suggestion that when the different images are stored they are stored as a specific file with associated information. More specifically, as clarified in the claims a memory stores "said picture and said associated information as a file". Watanabe does not disclose or suggest storing in one file both picture and associated information. Watanabe does not appear to teach or suggest any such feature because Watanabe is concerned only with providing appropriate selected images to a service user.

In such ways, Watanabe is not believed to even teach the features relied upon in the Office Action for the outstanding rejection.

Applicants further note that Watanabe is also deficient with respect to the claims as currently written as Watanabe does not disclose or suggest "a camera for taking a picture" or "an input means for inputting information associated with said picture".

Moreover, applicants respectfully submit that Shirai and Bernardi cannot overcome any of the deficiencies in Watanabe.

Shirai is merely relied upon to teach the creation of transmission information, but no teachings in Shirai can overcome the above-deficiencies in Watanabe.

Bernardi is newly cited to teach a file saved in a state of associating picture information with word information, see Bernardi in the abstract and at column 10, lines 6-11. However, applicants respectfully submit that Bernardi also cannot overcome any of the above-noted deficiencies in Watanabe and Shirai.

First, Bernardi is directed to a completely different device with completely different objectives than both Watanabe and Shirai. Watanabe and Shirai are each directed to an electronic mail system and Bernardi is directed to a film camera that can store voice messages to be associated with different pictures on the photographic film. Bernardi does not teach or suggest any indication that any information therein can be sent by electronic mail. In fact Bernardi would suggest just the opposite as Bernardi is directed to a photographic film camera.

Further, Bernardi does not teach or suggest that both a specific picture information and associated information is stored as a file in a memory. Bernardi only discloses a separate memory for the associated voice information, but does not disclose or suggest that the picture information is also stored in the memory storing the voice information. In fact Bernardi could not operate in that manner because Bernardi is directed to a photographic film camera, and clearly the photographic film image in Bernardi cannot be stored in a same memory as part of a same file as recorded voice messages.

Applicants also submit that the outstanding rejection is a hindsight reconstruction of applicants' invention with unrelated art. The storing of voice messages with a photographic film camera in Bernardi is completely unrelated to the teachings in both Watanabe and Shirai. The only basis set forth in the outstanding Office Action to combine such teachings does not even reference how or why the teachings in Bernardi would be remotely relevant to the teachings in Watanabe and Shirai. The motivation set forth to combine such teachings is noted in the Office Action as directed to teachings in Shirai at page 2, paragraph 24.¹ No motivation has even been alleged with respect to how the teachings in Bernardi would even be remotely relevant to the teachings in Watanabe or Shirai.

In view of the above comments, applicants further respectfully submit that no teachings in Bernardi can overcome the above-noted deficiencies of Watanabe and Shirai.

In such ways, applicants respectfully submit that claims 1-18 patentably distinguish over the applied art.

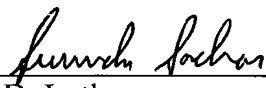
As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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¹ Office Action of January 30, 2004, page 3, line 11.